

(2) **DE NOVO REVIEW.**—The Board shall have de novo review of any decision by an immigration judge, including any final order of removal.

(e) **INDEPENDENCE OF BOARD MEMBERS.**—The Members of the Board shall exercise their independent judgment and discretion in the cases coming before the Board.

(f) **REFERRAL OF CASES TO THE ATTORNEY GENERAL.**—

(1) **IN GENERAL.**—The Board shall refer to the Attorney General for review of any case that—

(A) the Attorney General directs the Board to refer to the Attorney General;

(B) the Chairman or a majority of the Board believes should be referred to the Attorney General for review; or

(C) the Under Secretary of Homeland Security for Immigration Affairs requests be referred to the Attorney General for review.

(2) **DECISION OF THE ATTORNEY GENERAL.**—In any case in which the Attorney General reviews the decision of the Board, the decision of the Attorney General shall be stated in writing and shall be transmitted to the Board for transmittal and service as provided by regulations.

#### SEC. 1304. CHIEF IMMIGRATION JUDGE.

(a) **ESTABLISHMENT OF OFFICE.**—There shall be within the Executive Office for Immigration Review the position of Chief Immigration Judge, who shall administer the immigration courts.

(b) **DUTIES OF THE CHIEF IMMIGRATION JUDGE.**—The Chief Immigration Judge shall be responsible for the general supervision, direction, and procurement of resource and facilities and for the general management of immigration court dockets.

(c) **APPOINTMENT OF IMMIGRATION JUDGES.**—Immigration judges shall be appointed by the Attorney General, in consultation with the Director and the Chief Immigration Judge.

(d) **QUALIFICATIONS.**—Each immigration judge, including the Chief Immigration Judge, shall be an attorney in good standing of a bar of a State or the District of Columbia and shall have at least 7 years of pertinent legal expertise.

(e) **JURISDICTION AND AUTHORITY OF IMMIGRATION COURTS.**—The immigration courts shall have such jurisdiction as was, prior to the date of enactment of this Act, provided by statute or regulation to the immigration courts within the Executive Office for Immigration Review of the Department of Justice.

(f) **INDEPENDENCE OF IMMIGRATION JUDGES.**—The immigration judges shall exercise their independent judgment and discretion in the cases coming before the Immigration Court.

#### SEC. 1305. CHIEF ADMINISTRATIVE HEARING OFFICER.

(a) **ESTABLISHMENT OF POSITION.**—There shall be within the Executive Office for Immigration Review the position of Chief Administrative Hearing Officer.

(b) **DUTIES OF THE CHIEF ADMINISTRATIVE HEARING OFFICER.**—The Chief Administrative Hearing Officer shall hear cases brought under sections 274A, 274B, and 274C of the Immigration and Nationality Act.

#### SEC. 1306. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Executive Office for Immigration Review such sums as may be necessary to carry out this title.

**SA 4689.** Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

In section 301, subsection h, by striking “(2) The” and replacing it with “(2) Except as provided in paragraph (3), the” and by adding a new paragraph, following the paragraph numbered (2), to read as follows: “(3) Notwithstanding any other provision of law, the Secretary of the Department of Treasury shall be responsible for all of the activities related to the collection of tax and revenue, promulgation of regulations, and assessment of penalties related to alcohol and tobacco. The authorities, functions, personnel and assets of Department of Treasury employees engaged in the collection of tax and revenue, promulgation of regulations, and assessment of penalties related to alcohol and tobacco at the time of enactment of this legislation shall be retained within the Department of Treasury, but employees engaged in the criminal investigation of violations of laws related to alcohol and tobacco shall be transferred to the Department of Justice in accordance with sections 201 and 301 of this act.”

**SA 4690.** Mrs. CLINTON submitted an amendment intended to be proposed to amendment SA 4619 submitted by Mr. JEFFORDS (for himself, Mr. SMITH of New Hampshire, and Ms. SNOWE) and intended to be proposed to the amendment SA 4471 proposed by Mr. LIEBERMAN to the bill H.R. 5005, to establish the Department of Homeland Security, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

#### TITLE —DISASTER RELIEF AND EMERGENCY ASSISTANCE

##### SEC. 01. SHORT TITLE.

This title may be cited as the “Homeland Security Block Grant Act of 2002”.

##### SEC. 02. FINDINGS.

Congress makes the following findings:

(1) In the wake of the September 11, 2001, terrorist attacks on our country, communities all across American now find themselves on the front lines in the war against terrorism on United States soil.

(2) We recognize that these communities will be forced to shoulder a significant portion of the burden that goes along with that responsibility. We believe that local governments should not have to bear that responsibility alone.

(3) Our homeland defense will only be as strong as the weakest link at the State and local level. By providing our communities with the resources and tools they need to bolster emergency response efforts and provide for other emergency response initiatives, we will have a better-prepared home front and a stronger America.

##### SEC. 03. DEFINITIONS.

(a) **DEFINITIONS.**—In this title:

(1) **DIRECTOR.**—The term “Director” means the Director of the Federal Emergency Management Agency (FEMA).

(2) **CITY.**—The term “city” means—

(A) any unit of general local government that is classified as a municipality by the United States Bureau of the Census; or

(B) any other unit of general local government that is a town or township and which, in the determination of the Director—

(i) possesses powers and performs functions comparable to those associated with municipalities;

(ii) is closely settled; and

(iii) contains within its boundaries no incorporated places as defined by the United States Bureau of the Census that have not entered into cooperation agreements with

such town or township to undertake or to assist in the performance of homeland security objectives.

(3) **FEDERAL GRANT-IN-AID PROGRAM.**—The term “Federal grant-in-aid program” means a program of Federal financial assistance other than loans and other than the assistance provided by this title.

(4) **INDIAN TRIBE.**—The term “Indian tribe” means any Indian tribe, band, group, and nation, including Alaska Indians, Aleuts, and Eskimos, and any Alaskan Native Village, of the United States, which is considered an eligible recipient under the Indian Self-Determination and Education Assistance Act (Public Law 93-638) or was considered an eligible recipient under chapter 67 of title 31, United States Code, prior to the repeal of such chapter.

(5) **METROPOLITAN AREA.**—The term “metropolitan area” means a standard metropolitan statistical area as established by the Office of Management and Budget.

##### (6) METROPOLITAN CITY.—

(A) **IN GENERAL.**—The term “metropolitan city” means—

(i) a city within a metropolitan area that is the central city of such area, as defined and used by the Office of Management and Budget; or

(ii) any other city, within a metropolitan area, which has a population of fifty thousand or more.

(B) **PERIOD OF CLASSIFICATION.**—Any city that was classified as a metropolitan city for at least 2 years pursuant to subparagraph (A) shall remain classified as a metropolitan city. Any unit of general local government that becomes eligible to be classified as a metropolitan city, and was not classified as a metropolitan city in the immediately preceding fiscal year, may, upon submission of written notification to the Director, defer its classification as a metropolitan city for all purposes under this title, if it elects to have its population included in an urban county under subsection (d).

(C) **ELECTION BY A CITY.**—Notwithstanding subparagraph (B), a city may elect not to retain its classification as a metropolitan city. Any unit of general local government that was classified as a metropolitan city in any year, may, upon submission of written notification to the Director, relinquish such classification for all purposes under this title if it elects to have its population included with the population of a county for purposes of qualifying for assistance (for such following fiscal year) under section 05(e) as an urban county.

(7) **NONQUALIFYING COMMUNITY.**—The term “nonqualifying community” means an area that is not a metropolitan city or part of an urban county and does not include Indian tribes.

(8) **POPULATION.**—The term “population” means total resident population based on data compiled by the United States Bureau of the Census and referable to the same point or period of time.

(9) **STATE.**—The term “State” means any State of the United States, or any instrumentality thereof approved by the Governor; and the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

(10) **UNIT OF GENERAL LOCAL GOVERNMENT.**—The term “unit of general local government” means any city, county, town, township, parish, village, or other general purpose political subdivision of a State; a combination of such political subdivisions is recognized by the Director; and the District of Columbia.

(11) **URBAN COUNTY.**—The term “urban county” means any county within a metropolitan area.